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(57)

5-15-02
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRET T. CULVER,**Plaintiff****v.****COMMONWEALTH OF
PENNSYLVANIA, et al.,****Defendants**:
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:**No. 1:01-CV-0904
(Judge Kane)****FILED
HARRISBURG, PA****MAY 14 2002****MARY E. D'ANDREA, CLERK**
Per *[Signature]*
Deputy Clerk

**DEFENDANTS' BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO DEPOSE PLAINTIFF**


This is a civil action for damages brought pursuant to 42 U.S.C. §1983. Plaintiff is incarcerated at the State Correctional Institution at Mahanoy ("SCI-Mahanoy"). Defendants are prison official employed at all times relevant hereto by the Pennsylvania Department of Corrections. Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, a person confined to prison may be deposed only by leave of court. Defendant has moved this Court for permission to depose the plaintiff and desires to inquire into matters which are relevant to the subject matter involved in the pending action. The deposition of the plaintiff will assist the defense in disposing of this case either by pre-trial motion or by trial.

Wherefore, defendant's motion for leave to depose plaintiff should be granted.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


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DATE: May 14, 2002

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRET T. CULVER,

Plaintiff

v.

COMMONWEALTH OF
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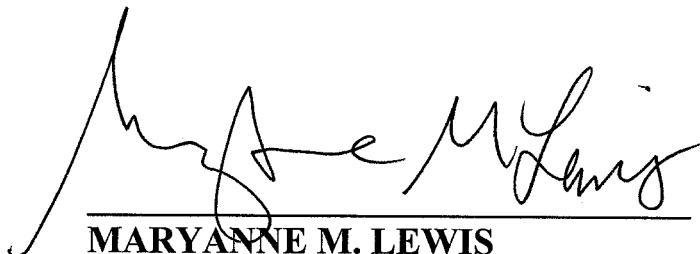
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No. 1:01-CV-0904
(Judge Kane)

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendants' Brief in Support of Motion for Leave to Depose Plaintiff, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD 3483
SCI-Mahanoy
301 Morea Rd.
Frackville, PA 17932



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: May 14, 2002